

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above.

I. DISPUTE

1. a. Whether there should be additional reimbursement of \$4,699.76 (\$6,943.76 billed amount minus \$2244.00 paid by the carrier on 02/18/02) for date of service 02/12/01.
- b. The request was received on 02/12/02.

II. EXHIBITS

1. Requestor, Exhibit I:
 - a. TWCC 60 and Letter Requesting Dispute Resolution
 - b. UB-92
 - c. EOB/TWCC 62 forms/Medical Audit summary
 - d. Medical Records
 - e. Based on Commission Rule 133.307 (g) (4), the Division notified the Requestor of the Requestor's requirement to submit two copies of additional documentation relevant to the fee dispute on 05/07/02. There is no response from the Requestor in the file. A "No Additional Information Received" from the Requestor is reflected in Exhibit I.
 - f. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
2. Respondent, Exhibit II:
 - a. TWCC 60 and initial Response to a Request for Dispute Resolution
 - b. Medical Audit summary/EOB/TWCC 62 form
 - c. Based on Commission Rule 133.307 (g) (4), the Division notified the Requestor with a copy to the insurance carrier Austin Representative of the Requestor's requirement to submit two copies of additional documentation relevant to the fee dispute on 05/07/02. There is no Carrier initial or 14 day response to this medical fee dispute in the file, evidently due to the fact no response to the notice was received from the Requestor.
 - d. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.

III. PARTIES' POSITIONS

1. Requestor: No position statement
2. Respondent: No position statement

IV. FINDINGS

1. Based on Commission Rule 133.307(d) (1) (2), the only date of service eligible for review is 02/12/01.
2. This decision is being written based on the documentation that was in the file at the time it was assigned to this Medical Dispute Resolution Officer.
3. Per the Requestor's Table of Disputed Services, the Requestor billed the Carrier \$6,943.76 for services rendered on 02/12/01.
4. A copy of a EOB from the Carrier, indicated that check #02573286 was issued to the Requestor on 02/18/02 in the amount of \$2,244.00; therefore, the amount in dispute is \$4699.76 for services rendered on 02/12/01.

V. RATIONALE

Medical Review Division's rationale:

The Requestor has submitted UB-92s for ambulatory surgical services for date of service 02/12/01. The bill in dispute is broken down into operating room services, iv therapy, supplies, recovery room charges, etc. However, the total is considered the facility fees (what the facility charged for providing the facility, equipment and supplies in order for the surgical procedure to be done).

The carrier has denied the charges in dispute as "THE CHARGE EXCEEDS USUAL AND CUSTOMARY.". The Medical Review Division's decision is rendered based on denial codes submitted to the Provider prior to the date of this dispute being filed.

There is no medical documentation in the file to support that services were rendered. **No** reimbursement is recommended.

The above Findings and Decision are hereby issued this 8th day of August 2002.

Denise Terry, R.N.
Medical Dispute Resolution Officer
Medical Review Division

DT/dt